

Patrick V. DeIorio, Esq. (PD 6403)  
800 Westchester Avenue, Suite S-608  
Rye Brook, New York 10573  
*Attorneys for Defendant*  
*DeRosa Tennis Contractors, Inc.*  
(914) 696-5555

UNITED STATES DISTRICT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
Trustees of the Teamsters Local 456 Pension, Health  
& Welfare, Annuity, Education & Training, S.U.B.,  
Industry Advancement and Legal Services Funds and the  
Westchester Teamsters Local Union No, 456,

Plaintiffs,

CASE NO. 07civ.6648

- against -

**VERIFIED  
ANSWER**

DeRosa Tennis Contractors, Inc.,

Defendant.

-----X  
Defendant, DeROSA TENNIS CONTRACTORS, INC. ("DeROSA") as and for  
its Answer to the Complaint herein, by its attorneys, The DeIorio Law Firm, LLP,  
respectfully alleges upon information and belief, as follows:

1. **Denies** knowledge and information sufficient to form a belief as to the  
allegations in the paragraphs marked and numbered "1," "2", "3", "4", "5", "6", "7", "8",  
"9" and "10" and therefore **denies** it.
2. **Admits** the allegations in paragraph "11" that Defendant was incorporated  
under the laws of the State of New York with its principal place of business at P.O. Box  
430, Mamaroneck, New York 10543.

**AS AND FOR AN ANSWER TO THE FIRST CLAIM FOR RELIEF**

3. Defendant repeats and reasserts its answers to the allegations of Paragraph “1” through “11” and make same a part hereof.

4. **Denies** knowledge and information sufficient to form a belief as to the allegations in the paragraphs marked and numbered “12,” “13,” “14,” “15,” “16,” “17,” “18” and “19” and therefore **denies** it.

**AS AND FOR AN ANSWER TO THE SECOND CLAIM FOR RELIEF**

5. Defendant repeats and reasserts its answers to the allegations of Paragraphs “1” through “19” and make same a part hereof.

6. **Denies** knowledge and information sufficient to form a belief as to the allegations in the paragraphs marked and numbered “21,” “22,” “23,” “24,” “25” and “26” and therefore **denies** it.

**AS AND FOR AN ANSWER TO THE THIRD CLAIM FOR RELIEF**

7. Defendant repeats and reasserts its answers to the allegations of Paragraphs “1” through “26” and make same a part hereof.

8. **Denies** knowledge and information sufficient to form a belief as to the allegations in the paragraphs marked and numbered “28,” “29” and “30” and therefore **denies** it.

**AS AND FOR AN ANSWER TO THE FOURTH CLAIM FOR RELIEF**

7. Defendant repeats and reasserts its answers to the allegations of Paragraphs “1” through “30” and make same a part hereof.

8. **Denies** knowledge and information sufficient to form a belief as to the allegations in the paragraphs marked and numbered “32”, “33”, “34” and “35” and therefore **denies** it.

9. **Denies** each and every other allegation of the Complaint not hereinbefore specifically **Admitted, Controverted or Denied**.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

10. A defense against the relief requested against the Defendant is founded upon documentary evidence.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

11. That Plaintiff has failed to mitigate its damages.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

12. That the relief requested against the Defendant is barred by the Doctrine of Estoppel.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE**

13. That the relief requested against the Defendant is barred by the Doctrine of Waiver.

**AS AND FOR A FIFTH AFFIRMATIVE DEFENSE**

16. That Plaintiff's Complaint fails to state a Cause of Action.

**AS AND FOR A SIXTH AFFIRMATIVE DEFENSE**

22. Plaintiff's calculations are defective.

**WHEREFORE**, the Defendant, DeROSA TENNIS CONTRACTORS, INC.  
demands judgment as follows:

- A. Dismissal of the Plaintiff's Complaint in its entirety, together with attorneys fees, costs, expenses and disbursements; and
- B. For such other, further and different relief as this Court may deem just, proper and equitable.

Dated: Rye Brook, New York  
September 6, 2007

Yours, etc.,

THE DEIORIO LAW FIRM, LLP

By: \_\_\_\_\_

Patrick V. DeIorio, Esq.

Attorneys for Defendant

800 Westchester Avenue, Suite S-608

Rye Brook, New York 10573

(914) 696 - 5555

To: Barnes, Iaccarino, Virginia  
Ambinder & Shepard, PLLC  
258 Saw Mill River Road  
Elmsford, New York 10523  
Attn: Karin Arrospide, Esq.

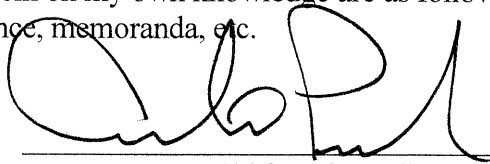
**VERIFICATION**

STATE OF NEW YORK                    )  
  ) ss.:  
COUNTY OF WESTCHESTER        )

I, ANGELO PUGLIESE, being duly sworn, say that I am the Secretary of the Defendant herein; that I have read the foregoing ANSWER and know the contents thereof and that the same is true to my own knowledge, except as to the matters herein stated to be alleged on information and belief, and that as to those matters I believe it to be true.

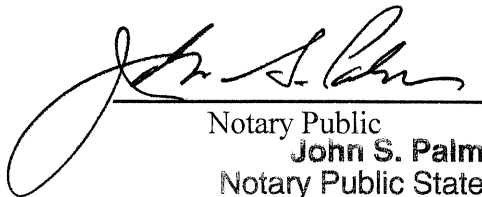
The reason this Verification is made by me is that I am the Secretary of the Defendant herein and am familiar with the facts and circumstances herein.

The source of my information and the grounds of my belief as to all matters not stated herein on my own knowledge are as follows: books, records, correspondence, memoranda, etc.



ANGELO PUGLIESE

Subscribed and sworn to  
before me this 10<sup>th</sup> day  
of September 2007.



Notary Public  
**John S. Palma**  
Notary Public State of NY  
No. 01PA6111194  
Qualified in Westchester  
Term Expires: 06 / 07 / 2008

UNITED STATES DISTRICT  
SOUTHERN DISTRICT OF NEW YORK

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Trustees of the Teamsters Local 456 Pension, Health  
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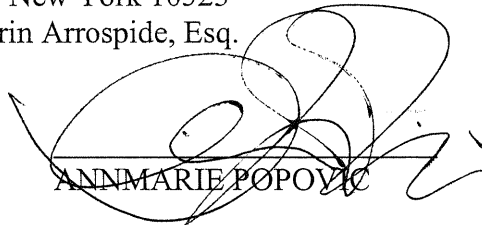
-----X  
STATE OF NEW YORK )  
)ss.:  
COUNTY OF WESTCHESTER )

ANNMARIE POPOVIC, being duly sworn, deposes and says:

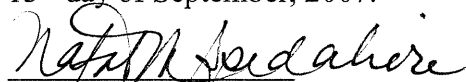
That deponent is not a party to the action, am over the age of eighteen (18) years of age and reside in Yonkers, New York. That on the 13<sup>th</sup> day of September, 2007, I served the within VERIFIED ANSWER, in a post paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within this State, addressed to each of the following persons at the last known address set forth after each name:

TO:

Barnes, Iaccarino, Virginia  
Ambinder & Shepard, PLLC  
258 Saw Mill River Road  
Elmsford, New York 10523  
Attn: Karin Arrospide, Esq.

  
ANNMARIE POPOVIC

Sworn to before me this  
13<sup>th</sup> day of September, 2007.

  
Notary Public

Natalie M. Spedaliere  
Notary Public, State of New York  
No. 01SP6104334  
Qualified in Westchester County  
Term Expires January 20 2008

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Case No.: 07civ.6648

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**ANSWER**

**THE  
DEIORIO LAW FIRM, LLP**

*Attorneys for*

Plaintiff

x Defendant

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(914) 696-5555  
(914) 696-0450 FAX

*Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.*

*Dated:.*

*Signature .....*

*Print Signer's Name .....*